

ERIC R. BAHE,)
Plaintiff)
v.) C.A. No. 04-11195-MLW
)
FRANKLIN/TEMPLETON DISTRIBUTORS,)
et al.,)
Defendants.)

ORDER

WOLF, D.J.

June 13, 2006

For the reasons stated in the lobby on June 13, 2006, it is hereby ORDERED that:

1. The parties shall, by July 14, 2006, file memoranda and appropriate affidavits addressing (a) why notice of the proposed dismissal to the shareholders pursuant to Fed.R.Civ.P 23.1 is not required in the instant case, see Papilsky v. Berndt, 466 F.2d 251 (2nd Cir. 1972), Beaver Associates v. Cannon, 59 F.R.D. 508 (S.D.N.Y 1973), Grima v. Applied Devices Corporation, 78 F.R.D. 431 (S.D.N.Y. 1978); (b) the amount of work and expense involved in providing notice of the dismissal to the shareholders by mail; and (c) any alternative form of notice the parties propose if the court decides notice is required, with authority for the assertion that such notice is adequate.

2. A hearing will be held on September 7, 2006, at 4:00 p.m.

/s/ Mark L.Wolf
UNITED STATES DISTRICT JUDGE